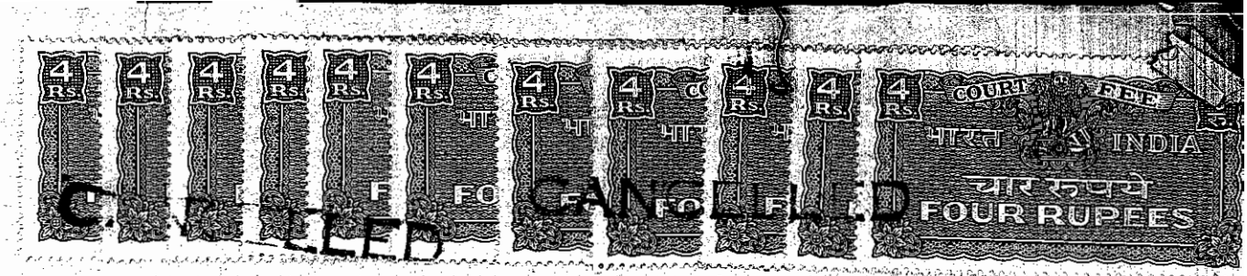

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

3 CR 100

W.P.NO. 3802 OF 1998

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Petitioner: Nityanand Pathak son of late Shri RamadharPathak, resident of village Biharpur (Chandni), Tahsil Surajpur, District Surguja, M.P.

versus

Respondents: 1. The State of M.P., through, Secretary, Home Department, Vallabh Bhawan, Bhopal

2. Collector Surguja.

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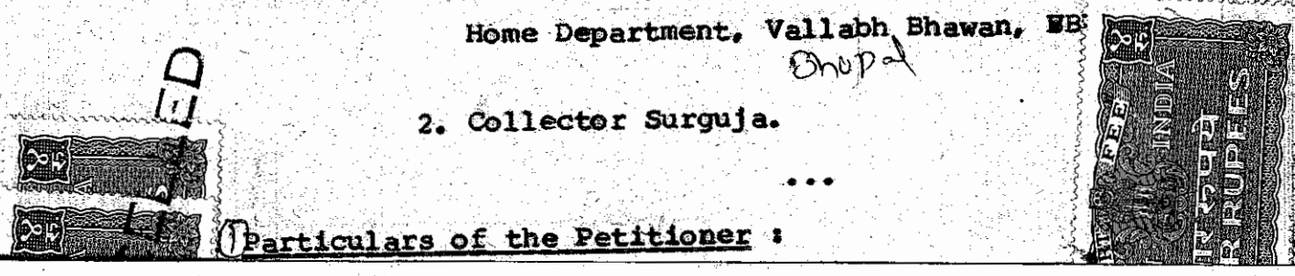

(1) **Particulars of the Petitioner :**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. 3802/98 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1-9-2005

Mrs. Renu Kochar, counsel for the petitioner.

Mr. Ravi Ranjan Sinha, Panel Lawyer for the State/respondents.

Heard learned counsel for the parties.

By way of this writ petition under Article 226 of the Constitution of India, the petitioner has questioned the legality and propriety of the order cancelling the petitioner's arm license No.2/97 and consent upon that giving intimation dated 27-7-1998 (Annexure P-1), whereby the petitioner was asked to deposit the firearm rifle No.SP-971850 by 28th November, 1998.

The case of the petitioner is that after verification of the antecedents and everything, the petitioner was granted licence No.2/97 on 5-8-1997 and accordingly, he purchased a gun from Jai Jawan Arms Company on 7-10-1997. Thereafter, the petitioner had not misused the gun, however, being a worker of the BJP, opposite party persons levelled false allegation against him and without giving any notice, in arbitrary manner, the respondent Collector cancelled the licence.

Having heard learned counsel for the parties, I have perused the order dated 3rd March, 1998, whereby license No.2/97 for possessing the fire arm was temporarily suspended with immediate effect on registration of a case against the petitioner. It appears from the

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... W.P. 3802/98 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

record that criminal case No.23/97 under Sections 147, 148, 149, 294, 506-B & 323 of the I.P.C. and Section 25/27 of the Arms Act was registered against the petitioner and other persons.

This petition was filed in the year 1998, as the license in question was suspended temporarily and the petitioner was asked to deposit the firearm. Now, the petitioner can approach the Collector for revoking the suspension order showing the result of the criminal case registered against him.

Therefore, the petitioner is allowed to make a representation to respondent No.2 within a period of two months from today and he should also submit documents regarding the result of the criminal case which was registered against him and on account of which the license was suspended. Respondent No.2 is directed to consider the representation of the petitioner and the result of the criminal case, and decide the representation regarding revoking of suspension order, in accordance with law.

With the observation and direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Soma